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## IRAN POWER VERSUS CHOICE

### Human Rights and Parliamentary Elections in the Islamic Republic of Iran

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#### SUMMARY

Iranians will vote on March 8, 1996, to elect 270 members of the parliament, or Majles, in an election process that severely limits citizen participation. Parliamentary elections could represent a real contest for power in Iran's political system-but only if arbitrary bans on candidates and other constraints on political life are lifted. As the campaign period opened on March 1, the government-appointed Council of Guardians had excluded some 44 percent of the more than 5,000 candidates on the basis of discriminatory and arbitrary criteria, significantly impairing access to the political process and citizens' freedom of choice. The council vetoed candidates by calling into question such matters as their commitment to the political system, their loyalty, and their "practical adherence to Islam," or their support for the principle of rule by the pre-eminent religious jurist (*velayat-e faqih*).

At the invitation of the Iranian government, Human Rights Watch was able to travel to Iran in early 1996 to investigate and discuss the human rights dimension of Iran's political process, and in particular the guarantees and restraints placed upon international standards of freedom of expression, association and assembly during the pre-election period. During this unprecedented three-week mission Human Rights Watch/Middle East interviewed dozens of political activists, lawyers, parliamentarians, writers, journalists, senior European diplomats and government officials in Tehran and Isfahan. Although denied permission to visit the city of Qom, where leading clerical critics of the government are imprisoned, Human Rights Watch was otherwise allowed broad access, including a private meeting with one of the longest-term political prisoners still in detention, former Deputy Prime Minister Abbas Amir Entezam.

The veto of the Council of Guardians, a twelve person government-appointed body of senior clerical figures and religious jurists, tightly controls access to the electoral process by vetting all candidates for the Islamic Consultative Assembly, or Majles. The council's veto cannot be challenged and it is not required to give reasons for its decisions. Such discriminatory and arbitrary interference in the right to stand for political office is a violation of Iran's obligations under international law to give its citizens the opportunity to participate in public affairs without imposing unreasonable restrictions.

The Constitution of the Islamic Republic of Iran states explicitly that members of the Majles should be elected directly by the people, and provides for the Council of Guardians to supervise presidential and Majles elections. Many Iranians contend that the Council of Guardians has overstepped the bounds of its impartial role envisioned by the Constitution's drafters. They argue that the council's decisions have been politically motivated. The council's power to exclude candidates in an arbitrary and discriminatory fashion has become the most controversial aspect of the election process.

The rights of free assembly and expression have been curtailed through violent attacks by pro-government mobs on opposition gatherings, leaders and bookstores. Opposition or independent journalists face prosecution, imprisonment and corporal punishment-as well as vigilante attacks-for exercising their right to free expression. Opposition political parties are denied legal registration, access to the major media, and the right to meet in public fora or to establish offices. Their public activities, where not banned, are subjected to ongoing harassment and violence from hezbollahi, groups of religious zealots loyal to various factions in the ruling political and religious leadership. Even religious scholars who dispute the ruling clerics have been imprisoned without charge or trial. Leaders of minority religious communities-notably the Baha'i and Sunni but also including some leading Shi'a clerics-remain wholly excluded from political life and face imprisonment or execution.

The government's toleration of, or support for the activities of violent mobs hezbollahi has had a particularly corrosive effect on basic freedoms. These attacks were met with inaction by security forces. The impunity with which these groups operate undermines the rule of law.

Although Article 26 of the Constitution provides for the right to form political parties, the rulers of the Islamic Republic have discouraged the formation of groups whose agendas it does not control. The official line has been that there should be no ideological division in the Islamic Republic, and that the country could be divided into those who support the concept of velayat-e faqih and those who do not. Velayat-e faqih, and the idea of legitimacy through adherence to Islamic principles which it represents, is an elastic concept that creates space for a wide range of advocates for change. These include groups supporting a free market economy as well as those advocating increased state control, groups calling for rapprochement with the West and others calling for confrontation, all wrapped in the mantle of Islamic principles. But opponents of this concept have no place in the political contest. The decision as to who is for or against velayat-e faqih is not based on precepts established by law, rather it is a discretionary assessment of the leadership.

Iran's clerical leaders have concertedly discouraged the activities of independent political parties in a variety of ways, all in the name of national unity around shared Islamic goals. This intolerance even extends to other clerics who challenge the political and theological views of those in power. Groups opposed to the government are routinely denied access to the state-controlled electronic media and mass-circulation press, denied permission to publish their own newspapers, and subjected to official harassment and vilification. Freedom of the press is further constrained by the summary closure or suspension of the publication of magazines by executive order. The death in prison under suspicious circumstances of satirical writer Ali Akbar Saidi-Sirjani in November 1994, like the continuing death edict against British novelist Salman Rushdie, has had a chilling effect on freedom of expression; many writers believe that Saidi-Sirjani was killed on the instruction of the government. Even while the U.N. special rapporteur on freedom of expression was visiting the country, editor Abbas Maroufi was on trial for "publishing lies" in his magazine *Gardoun*--the results of a survey showing that Iranians are depressed by the lack of security in their society. He was subsequently sentenced to a six-month prison term and thirty-five lashes.

By monopolizing the interpretation of core ideological precepts, Iran's ruling elite has seriously undermined the rule of law in that country. Human rights safeguards contained within domestic legislation are qualified by reference to Islamic principles; the right to stand for election is reserved for those who demonstrate "a practical commitment to Islam;" the press is required to act in the best interests of Islamic society. The clerical leadership decides what these interests are in practice, and suppresses the views of those who dare to disagree.

Political parties from outside the closed circle of the current clerical leadership are effectively excluded from the political process. Dissident groups within the Shi'a religious leadership also face both exclusion and repression. Even if candidates survive vetting by the Council of Guardians, their party can be denied a license by the Commission on Political Parties, which can rule arbitrarily because it is not required to give reasons for its decisions. The lack of a

license under the Political Parties Law limits candidates' access to the news media. Most importantly, leaders and supporters of political parties not approved of by the government are routinely subjected to harassment and physical assault. They frequently find their activities blocked by government forces without a reason being given and without effective recourse to the courts.

The Iranian Constitution provides safeguards for freedom of expression, but they are qualified by requirements to uphold "Islamic principles" and "the interests of the people." Similarly, the 1985 Press Law requires the press "to enjoin the good and forbid the evil" and to "promote the goals that are expressed in the Constitution." These loosely defined directives provide the authorities with broad discretion to suppress newspapers, books and other forms of expression of which they disapprove.

All daily newspapers are controlled by the clerical leadership. The government has closed newspapers by executive order, in violation of press laws requiring charges against the media to be brought before a court. Some journalists have been intimidated, harassed, or imprisoned, and two-- Sadeq Javadi Hessari and Abbas Maroufi-- now face sentences of imprisonment and flogging. No opposition political parties are permitted to publish newspapers, although there are some newspapers and magazines representing diverse viewpoints, including views critical of the government. These publications can be and are easily controlled, short of closure, by limiting the availability of subsidized paper for printing. Arbitrary closure of newspapers and magazines and the prosecution of writers and editors for expressing opinions protected under internationally accepted norms of free speech are clear violations of Iran's obligations under international law.

As challenges to the government's legitimacy gain strength, it is clear that writers and journalists are becoming more fearful of reprisal. Writers who were willing to be quoted openly by Human Rights Watch, three years ago, insisted on anonymity this year. Works are subjected to rigorous censorship by a commission under the Ministry of Culture and Islamic Guidance. No reasons for delaying publication need to be provided. Writers and publishers have no avenue for seeking redress through the courts to allow publication of a blocked work.

## **RECOMMENDATIONS**

### **To the government of Iran**

| Candidates should be allowed to stand for election to the Islamic Consultative Assembly without regard to their political, religious or other beliefs. Disqualification on other grounds should only be permitted according to clear written criteria established in law.

| Candidates denied permission to run should be informed of the reasons for their exclusion and given the opportunity to challenge their exclusion before an impartial body.

| The government should uphold the right to non-violent freedom of assembly for all, including supporters of opposition political groups and parties.

| The government should take immediate and effective measures to put an end to attacks on public meetings and individuals critical of government policies. Government officials must refrain from endorsing or supporting in any way such attacks. Those responsible for such attacks, and for acts of destruction such as the burning of bookstores, should be prosecuted in accordance with the law.

| All political parties whose activities are not illegal should be allowed access to state-controlled media and to

participate fully in political life.

| The government should cease the practice of arbitrarily closing magazines and newspapers by executive order.

| Writers, publishers and editors should not be prosecuted, imprisoned or subjected to corporal punishment for exercising the internationally recognized right of free expression.

| The government should repudiate unequivocally the edict calling for the death of British author Salman Rushdie.

| The government should lift restrictions on domestic human rights monitors and cooperate with international human rights monitors from the United Nations and independent nongovernmental organizations.

### **To the International Community**

| Condition future technical and economic assistance to the government of Iran on the fulfillment of the above conditions.

| Urge Iran to open its doors to international nongovernmental human rights monitors from the United Nations and independent nongovernmental organizations.

| Encourage and facilitate nongovernmental contacts among individuals and organizations concerned with issues of political and civil rights, including scholars, journalists and parliamentary representatives.

### **BACKGROUND**

On March 8, 1996, Iranians will go to the polls to elect the fifth Islamic Consultative Assembly (*Majles*) of the Islamic Republic of Iran. The human rights situation, in this as in any election, will be an important factor in assessing the outcome. If basic freedoms of expression, association and assembly are lacking in the society then it is unlikely that the conduct of the election will be free and fair, or that its outcome will be a true reflection of the will of the electors.

This report gives an account of the state of basic freedoms and the rule of law in Iran during the run-up to these parliamentary elections. It is based on an unprecedented three week Human Rights Watch research visit to the Islamic Republic, the first in recent years by an independent non-governmental human rights organization, carried out at the invitation of the Iranian government.

Human Rights Watch visited Iran from January 1 to January 22, 1996. During the visit, the organization's delegate met with political activists, lawyers, parliamentarians, writers and journalists and senior European diplomats as well as with Iranian government officials. Her movements were closely monitored by the government, but a wide range of meetings were nonetheless possible in Tehran and Isfahan. While her request to visit the city of Qom to meet with supporters of imprisoned religious leaders was denied, she was able to meet with individuals representing a wide range of political views.

These elections come at a time when Iran's government is facing increasingly vocal calls from within the society for fundamental changes in the form of government established after the 1979 revolution that brought Ayatollah Ruhollah Khomeini to power as Leader of the Islamic Republic. There is widespread discussion about the role of the clergy in politics and the need to separate religion and state. These calls for change have found a ready audience outside Iran, among the large exile community and among Western governments. Inside Iran, though, the leadership that has

monopolized power since the early days of the revolution continues to dominate the political landscape. The government is able to derive popular support from some of these pressures, including international criticism of its human rights record, by presenting itself as upholding Iranian sovereignty and Islamic principles in a hostile world. The space for dissent in the context of this populist rhetoric is narrow. Legal and administrative restrictions on basic freedoms of speech and political participation constrict that space even further.

Serious discussion of Iran's human rights situation has been caught up in a war of words between Iranian and Western government officials. The Iranian government portrays human rights criticisms as cynical attempts by hostile powers to undermine its policies, an approach that has credence in Iran owing to U.S. rhetoric and policies explicitly aimed at toppling the government in Tehran. Hojatoleslam Nourbaksh, a national security advisor to President Hashemi Rafsanjani, told Human Rights Watch that Iran would never "surrender to direct or indirect pressure from Western powers whose aims are to use human rights as leverage against Iran." 1

Iran in the past has obstructed international human rights organizations wishing to visit Iran and denied independent local human rights organizations the right to monitor and report on domestic conditions. This has meant that the human rights debate has taken place in an extremely politicized atmosphere and with limited evidence. The visit by Human Rights Watch/Middle East coincided with that of the two special rapporteurs of the United Nations Human Rights Commission dealing with freedom of expression and religious intolerance. These visits were quickly followed by the visit--the first in five years--by the United Nations special representative on the human rights situation in Iran, the newly-appointed Maurice Copithorne of Canada. Hopefully these visits represent the beginning of a trend of greater openness to human rights monitoring, both international and domestic, by the Iranian government. For its part, Human Rights Watch hopes to be able to return to Iran in the near future for a mission free of obstructive surveillance by the authorities. Facilitating access for such monitors, who serve as human rights safeguards, is required under international law.

The rancorous tone of the human rights debate in Iran today is captured in the officially authorized graffiti in Tehran and slogans at pro-government rallies which call for "Death to Galindo-Pohl," referring to Mr. Copithorne's predecessor as U.N. special representative. Reynaldo Galindo-Pohl's relations with the Iranian government took a turn for the worse when his reporting became more critical, in accordance with his mandate from the U.N. Human Rights Commission.

At the present time, the generally negative tone of the debate between Iran and Western governments means that any human rights report risks being taken up as a propaganda weapon by one side or another. Member of Parliament Said Rajaie Khorasani, who has formed a human rights committee within the parliament, told Human Rights Watch that in the early years after the revolution the government purposefully characterized human rights criticism as part of the international conspiracy against it. In his view, it has become extremely difficult to make people understand that human rights is not just propaganda and that it is relevant to problems people face in their every day lives. 2

Towards this end, the debate about the human rights situation must, to the extent possible, be based on the facts. The focus of this report is on those human rights concerns likely to have a bearing on the election process, but it is not an effort to assess the fairness of these elections. Neither is it an assessment of the overall human rights situation in Iran today. Many of the human rights problems that are discussed here exist apart from the elections, and demand the immediate attention of the Iranian government and of those outside parties truly concerned with promoting respect for human rights in that country.

## **ACCESS TO THE POLITICAL PROCESS**

Article 99 of the Constitution of the Islamic Republic of Iran invests the Council of Guardians with responsibility for

supervising elections for the presidency and for the Islamic Consultative Assembly, or Majles, in order to prevent executive branch involvement in the electoral process, The Constitution also stipulates that elections should be supervised by an impartial body.

The Council of Guardians is made up of twelve appointed members--six religious authorities and six jurists. The clerical members are appointed by the Leader of the Islamic Republic, currently Ayatollah Khamene'i; the jurists are nominated by the head of the Judiciary, himself appointed by the leader, and approved by the Majles.

Because of its role in the last several parliamentary elections, there is now debate in Iran over whether the Council of Guardians has played the impartial role intended by the Constitution's drafters. In practice, the council has excluded candidates who, in its view, "lacked a practical commitment to Islam," or "failed to uphold the principles of *velayat-e faqih* ( rule by the pre-eminent religious jurist<sup>3</sup>)." The council is not required to give reasons for its exclusions. Its decisions are final and not subject to appeal.

Many Iranians, including those excluded from previous elections, have objected that the Council's decisions have been politically motivated, or based on unsubstantiated allegations, and they have accused the Council of exceeding its constitutionally-specified mandate by arrogating to itself quasi-judicial and quasi-legislative powers. In short, these critics argue that "supervision" does not include the power of veto over who is eligible to stand for parliament. As the Constitution states explicitly that members of the Majles should be elected directly by the people and not through the mediation of the Council of Guardians or any other official body, the exercise of this veto is itself unconstitutional.

In 1995, in an attempt to establish firmly in law the veto powers of the Council of Guardians, the Majles enacted amendments to the Law on Elections to the Islamic Consultative Assembly which stipulated vetting procedures, but this did little to clarify the legal basis for such powers.<sup>4</sup> Under these amendments, the council can appoint supervisory committees with powers of oversight in each electoral district. The council can review decisions of exclusion and inclusion taken by the supervisory committees, but the legal basis on which disqualification is based remains vague and arbitrary. The Council's veto powers continue to be criticized heavily by government opponents. For example, *Salam* newspaper wrote that the powers of the Council of Guardians "proved right the forecasts by those who believe that no positive changes will be seen in the Majles elections and in how the rightist factions and the Council of Guardians will act in omitting candidates from the lists."<sup>5</sup>

Even the members of the Council of Guardians appear divided on the scope of their supervisory powers. According to Ayatollah Mohamed Emami-Kashani, the council's official spokesman:

The Guardian Council supervises matters on a level that has nothing to do with who's who, where he's from, and which group or individual he represents.... The Guardian Council does not concern itself with the [candidates'] eligibility. Neither does it concern itself with the election procedure, whether it is carried out correctly or not. It concerns itself with whether there have been any violations, and whether those violations have disrupted the election procedure. That is the point. It means the Guardian Council considers the law. Under the law the people put forward their candidates, in accordance with criteria of practical adherence to Islam. Obviously one who does not adhere to Islam could not be a representative [of parliament] in an Islamic republic. [The candidate] should also be loyal to the Islamic Republic and the Supreme Jurisconsult. He should declare his loyalty. He should demonstrate his loyalty. It is not a matter of qualifications....<sup>6</sup>

The Leader of the Islamic Republic, Ayatollah Khamene'i, has described the main criteria for competent parliamentary candidates as:

commitment to the system, Islam and the revolution, and that they endeavor to carry out their responsibilities and

representational duties. Those given to misappropriation and uncommitted to revolutionary mission and representational responsibilities must be prevented from entering the Majles.<sup>7</sup>

Sa'id Rajaie Khorasani told Human Rights Watch that he supports the role of the Council of Guardians. He gave as an example the exclusion from eligibility to run in the 1991 election of Hojatoleslam Sadegh Khalkhali, a revolutionary court judge and former member of parliament. He said that documents show him to be a thief, and that such people should be excluded.<sup>8</sup>

Ayatollah Emami-Kashani has stated that eligibility "can be demonstrated by expression of faith without the need for this to be proven." Ayatollah Ahmad Jannati, the Council of Guardian's secretary, is more forthright about the validity of the council's veto powers. "Practical commitment to the absolute authority of the *Faqih* is required," he stated, implying that this commitment may be established by inquiry,<sup>9</sup> even though Article 23 of the Constitution prohibits the government from inquiring into the beliefs of its citizens.

Ayatollah Jannati has compared the powers of the council to those of a magistrate. It is precisely these powers to inquire into and make judgments on alleged violations of law or deviations from Islamic conduct that have drawn criticism. Ayatollah Jannati's critics point out that judicial power is vested solely in the independent judicial branch of government; by assuming these functions, the Council of Guardians undermines the principle of separation of powers. Whereas court verdicts are subject to appeal by higher courts, the decisions of the council are not subject to independent appeal. Critics object further that by making criminal accusations against individuals without the obligation to substantiate them and without proceeding to a criminal prosecution, the council brings the idea of the rule of law into disrepute.<sup>10</sup> Other critics point out that "offenses" the council may find objectionable in a potential candidate may well not be illegal by statute. Thus the council is in effect basing its decisions to exclude candidates on its own unwritten law, a further self-extension of its constitutional powers.<sup>11</sup>

Dr. Ebrahim Yazdi, leader of the illegal (but tolerated) Iran Freedom Movement and former minister of foreign affairs during the transitional government of Mehdi Bazargan, told Human Rights Watch that decisions of the Council of Guardians to exclude candidates are "unfair and arbitrary."<sup>12</sup> Yazdi stated that the council's power of veto over candidates was unconstitutional, as it interferes with the people's right to choose its own representatives. He objected to the powers of the Council of Guardians as an unwarranted interference by the executive branch of government in the electoral process. "We need an independent supervisory body for the elections, separate from the government."

Fifteen supporters of the Freedom Movement put themselves forward as candidates in the parliamentary election. Initially only four of the fifteen were approved by the supervisory committees of the Council of Guardians.<sup>13</sup> Human Rights Watch learned that the excluded candidates were told to appeal the decision to the Council of Guardians, but they were not informed of the reasons why their applications had been denied.<sup>14</sup> Just before the official start of the election campaign, three of the four FMI candidates, including Dr. Ebrahim Yazdi, the former foreign minister who has headed the group since the 1995 death of former prime minister Mehdi Bazargan, were disqualified as well.<sup>15</sup>

Article 25 of the International Covenant on Civil and Political Rights, to which Iran is a State Party, provides that:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 [of the Covenant, these are: race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.] and without unreasonable restrictions:

- a. To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be



held by secret ballot, guaranteeing the free expression of the will of the electors.

The powers of the Council of Guardians to veto the participation of candidates in the election on the basis of loosely defined, uncontested criteria constitutes a clear violation of the rights of political participation upheld in the Covenant.

Moreover, the constitutional grounding on which the council bases its authority is disputed in Iran. Proponents of the council's broad authority, like Ayatollah Jannati, have declared that as a body appointed by the Leader the council has absolute powers, second only to those of the *Faqih*. Ayatollah Khamene'i has stated that "the Council of Guardians is an untouchable institution and no criticism of it will be tolerated." His instructions to the council to "use the law as your guideline" were inconsistent with his observation that "the Constitution is secondary to Islam and religion."<sup>16</sup>

In practice, some powers of the Council of Guardians have been diluted. In 1988, Ayatollah Khomeini decreed the creation of the Assembly for the Determination of Exigencies, with authority to resolve conflicts between the Majles and the Council of Guardians and to override the council's powers of veto over legislation. The Constitution in fact provides for the separation of powers, including a popularly elected parliament. While giving precedence to Islamic precepts over other provisions, the Constitution does not, in theory, provide any one branch of government with absolute powers. In practice, rather than being based on written laws, actual rights of access to the electoral process come down to a question of power politics. The government can and does exclude from the process those whom it deems unacceptable for ideological or whatever other reasons. By giving primacy to undefined Islamic values over codified law, the leadership reserves for itself the absolute power to exclude candidates it finds undesirable.

By the deadline of February 12, 1996, 5,121 prospective candidates had presented themselves for election to the 270-seat Majles. Forty-four percent of these were excluded by the council from appearing on the ballot. Because the council provides no reasons for its exclusions, there is no way to judge which if any of these are on the basis of clear criteria rooted in Iranian law and which are inappropriately based on a candidate's religious or political belief and therefore stand in violation of Iran's obligations as a party to the ICCPR. Valid legal criteria can be adjudicated by the courts, without the need for oversight by a political body like the Council of Guardians. Such a structure would bring Iranian practice closer to conforming with its international obligations, and provide a framework in which access to the political process would be guaranteed to all without discrimination on the basis of opinion or other arbitrary factors.

### **FREEDOM OF ASSEMBLY**

The right to freedom of assembly is specified in the Constitution of the Islamic Republic but qualified by a requirement that exercise of this right "should not violate the principles of Islam."<sup>17</sup> Article 21 of the International Covenant on Civil and Political Rights, to which Iran is a signatory, is more unequivocal:

No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

The government of Iran persistently and systematically violates the right to freedom of assembly. On January 2, 1996, Seekers for a Free Election, an organization set up by members of the Freedom Movement and the National Front to monitor violations during the election period, tried to hold a press conference. The police intervened, stating that they were unable to guarantee the security of the event. The organizers tried again on January 31 to hold a press conference at the house of one of the group's leaders. Police intervened on this occasion on the grounds that it was an illegal group. The group has complained that the police actions contradict repeated government assurances that the elections will be free.



Freedom of assembly has also been curtailed to suppress public protests and popular civic movements. In 1995, street demonstrations protesting economic conditions were forcefully put down by the security forces and those seized were held indefinitely in incommunicado detention, without charge or trial. Hundreds of protesters arrested after a demonstration against increased bus fares in the Islamshahr suburb of Tehran in April 1995 remain in detention without charges almost a year after their arrest by Revolutionary Guards.

Nothing has had a more corrosive influence on the climate of respect for basic freedoms than the government's toleration of, and in some cases even open encouragement for, the violent activities of groups of religious zealots, known in Iran as *hezbollahi*, or partisans of God. Such groups frequently have allegiance to various figures in the government and the clerical leadership. They have targeted government critics and free-thinkers of all kinds, burning property, beating individuals and disrupting gatherings.

The Human Rights Watch delegate was able to observe the permissive attitude of the authorities towards the activities of these vigilantes when she attended a memorial service for Mehdi Bazargan in Tehran on January 19, 1996. During the ceremony, an individual known previously to have physically assaulted the philosopher and writer Abdolkarim Soroush tried to shout down speakers criticizing the authoritarian nature of the government. The police stood by and did nothing. Outside a group headed by a strong-arm leader known as Haji Bakhshi drew up in a car and parked immediately outside the mosque, even though this would ordinarily be forbidden. They tried to disrupt the ceremony by claiming that one of the participants had broken a window in their vehicle. The police took this as a pretext to break up the memorial service. When Human Rights Watch brought its concern about the activities of known pro-government "vigilantes" to Hojatoleslam Nourbaksh, he at first denied that the problem existed but later agreed that it was a cause for concern and said that the government would look into the problem.

In August 1995, the Morgh Amin bookstore in Tehran was firebombed because it had published a book condemned by some authorities as un-Islamic. Some high-ranking officials, like Council of Guardians member Ayatollah Jannati, praised the actions of those who burnt the store, saying that they had only done what the authorities should have done. Supporters of President Rafsanjani responded by asking "how a man who is a member of the legislature can encourage thugs to take the law into their own hands."<sup>18</sup> Hard-liners responded that it was the testament of Ayatollah Khomeini that the Hezbollahi should take up the task of protecting Islam whenever the authorities failed. On August 21, 1995, when *Salam* newspaper accused Ayatollah Jannati of "encouraging anarchy," a mob gathered outside the newspaper offices shouting "death to the enemies of Islam." In September, more than forty publishers sent an open letter to President Rafsanjani calling on the government to "deal legally with anti-cultural elements and book burners."<sup>19</sup> The next month, on October 31, 1995, another Tehran bookstore named Attar was torched by a mob.

Nor have such attacks been confined to "secular" targets. On February 15, 1996 a mob that included Haji Bakhshi attacked a memorial service in a Tehran mosque commemorating the death in Vienna of the well-known leftwing poet, Siavash Kasraie. A number of literary personalities, including Mohammed Ghazi and Houshang Golshiri, were severely beaten by the mob, who disrupted the service with chanting and violence.

The leader of Freedom Movement of Iran, Ebrahim Yazdi showed Human Rights Watch copies of letters he had written over a period of years to the public prosecutor's office calling attention to threats to his person and property. In 1994 a mob had set fire to his house. Dr Yazdi complained but no action was taken by the authorities. Although the right to form political parties is provided for in Article 26 of the Constitution, the leadership of the Islamic Republic has discouraged the formation of groups organized around agendas that it does not control. Ayatollah Khomeini dissolved the ruling clerical leadership's own party, the Islamic Republican Party, in 1987. Since then the official line has been that there should be no ideological division in the Islamic Republic,<sup>20</sup> and that the population can be divided into those who support the concept of *velayat-e faqih* and those who do not.

The formation of factions and interest groups has flourished even while formal political parties have remained weak. *Velayat-e faqih*, and the idea of legitimacy through adherence to Islamic principles, which it represents, is a sufficiently elastic concept to permit the emergence of a wide range of groups advocating change. These include groups supporting a free market economy as well as groups advocating state control, groups advocating rapprochement with or confrontation against the West. All clothe themselves in the mantle of Islamic principles and adherence to *velayat-e faqih*.

Since this concept is a core principle of the Constitution, and adherence to the Constitution is a pre-condition of participation in elections, the opponents of this concept are denied a role in the political contest. Interpretation of who is for or against *velayat-e faqih* by definition a subjective matter carried out at the discretion of the leadership. A group wishing to register as a political party under the Political Parties Law of 1981 must submit documentation to the Ministry of the Interior, which refers the matter to an appointed five-person Political Parties Commission, provided for under Article 10 of the Law,<sup>21</sup> to consider whether to grant the party a license. Under Article 12 of the Political Parties Law, if the commission does not issue or deny a license within three months, the Ministry of the Interior is required to issue the license. Under the Constitution the commission cannot order the closure of a political party, but it can refer the application to a special court, as provided for in Article 168 of the Constitution, with the recommendation that the court should issue an order for the party's dissolution.

The experiences of the Freedom Movement of Iran, the Iran Nation Party and the National Front illustrate the difficulty of the process of applying to register under the law. The Freedom Movement filed a request to register as a political party in 1982, immediately after the passage of the Political Parties Law. In 1988, when the party was informed that the law had come into effect it submitted further supporting documents. F